REMARKS

In response to the Office Action dated May 4, 2011, claims 21, 26-28, 30 and 32-34 have been amended. Claims 21-23, 26-30, 32-35 and 37 are pending in the application.

On page 2 of the Office Action, claims 21-23, 28-30, 34-35 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer in view of Jasinschi, and in further view of Danker.

On page 6 of the Office Action, claims 26-27 and 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer in view of Jasinschi, and in further view of Danker and Alexander.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 21 sets forth monitoring, by a client device of a user, content viewed on a content viewing device by a user, generating a profile, at the client device of the user, based on content viewed on the content viewing device by the user, processing, at the client device of the user, incoming content to the content viewing device to identify content available for recommendation, comparing, at the client device of the user, the available content to the profile generated based on the content viewed on the content viewing device by the user, rating, at the client device of the user, available content based on the comparison of the available content to the profile generated based on the content viewed on the content viewing device by the user, determining, by a content recommendation engine at the client device of the user, a content recommendation based on the rating of the available content, detecting when a system state change representing a user-initiated content viewing selection change is imminent, providing, from the client

device of the user to the content viewing device of the user, prior to implementing the system state change representing a user-initiated content viewing selection change, a perceptible indicator of a content recommendation on the content viewing device of the user prompting the user with a selection for deciding whether to view the content recommendation, switching to the content recommendation without implementing the system state change representing a user-initiated content viewing selection change when the user selects to view the content recommendation and implementing the system state change representing a user-initiated content viewing selection change when the user selects to not view the content recommendation. Independent claims 31 sets forth similar elements.

In contrast, Schaffer merely discloses a system wherein a plurality of users send viewing data from their viewing computer to a database server. The database server provides viewing data from a plurality of databases to an application server. The application server compares viewing data of a primary viewer to viewing data of a group of secondary users. Based on the comparison, a recommendation considering what the secondary users are/have been watching is provided to the primary user.

However, Schaffer does not suggest when the recommendation is provided to the user.

In addition, Schaffer fails to disclose, teach or suggest monitoring, by a client device of a user, content viewed on a content viewing device by a user, generating a profile, at the client device of the user, based on content viewed on the content viewing device by the user, processing, at the client device of the user, incoming content to the content viewing device to identify content available for recommendation, comparing, at the

8

client device of the user, the available content to the profile generated based on the content viewed on the content viewing device by the user, rating, at the client device of the user, available content based on the comparison of the available content to the profile generated based on the content viewed on the content viewing device by the user, determining, by a content recommendation engine at the client device of the user, a content recommendation based on the rating of the available content. Rather, Schaffer sends the viewing data to a database server. The database server provides an application server viewing data of users. The application server then generates the recommendation. Neither the application server nor the database server is a client device.

In addition, Schaffer fails to disclose, teach or suggest detecting when a system state change representing a user-initiated content viewing selection change is imminent. Schaffer does not even mention detecting when the user initiates a content viewing selection change.

Schaffer further fails to disclose, teach or suggest providing, from the client device of the user to the content viewing device of the user, prior to implementing the system state change representing a user-initiated content viewing selection change, a perceptible indicator of a content recommendation on the content viewing device of the user prompting the user with a selection for deciding whether to view the content recommendation. Rather, Schaffer provides the recommendation from the application server, which is not a client device. Still further, Schaffer does not mention detecting when the user initiates a content viewing selection change and thus does not provide, prior to implementing the system state change representing a user-initiated content viewing selection change, a

perceptible indicator of a content recommendation on the content viewing device of the user to prompt the user to decide whether to view the content recommendation.

For the same reasons regarding the failure to mention detecting a system state change representing a user-initiated content viewing selection change, Schaffer fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change representing a user-initiated content viewing selection change when the user selects to view the content recommendation and implementing the system state change representing a user-initiated content viewing selection change when the user selects to not view the content recommendation.

Thus, Schaffer fails to disclose, teach or suggest the embodiments set forth in independent claims 21 and 30, as amended.

Jasinschi fails to overcome the deficiencies of Schaffer. Jasinschi merely discloses that content augmentation may be provided to a user when a user requests such recommendations or, upon generation of the content augmentation, the system triggers an alert to be provided to the user. However, Jasinschi fails to detect a system state change representing a user-initiated content viewing selection change and providing a recommendation prior to the system state change.

In addition, Jasinschi fails to disclose, teach or suggest monitoring, by a client device of a user, content viewed on a content viewing device by a user, generating a profile, at the client device of the user, based on content viewed on the content viewing device by the user, processing, at the client device of the user, incoming content to the content viewing device to identify content available for recommendation, comparing, at the client device of the user, the available content to the profile generated based on the content

viewed on the content viewing device by the user, rating, at the client device of the user, available content based on the comparison of the available content to the profile generated based on the content viewed on the content viewing device by the user, determining, by a content recommendation engine at the client device of the user, a content recommendation based on the rating of the available content. Rather, Jasinschi merely receives preferences from a user generates content augmentation or TV program data that that is determined to be relevant to content being viewed.

In addition, Jasinschi fails to disclose, teach or suggest detecting when a system state change representing a user-initiated content viewing selection change is imminent. Jasinschi does not even mention detecting when the user initiates a content viewing selection change.

Jasinschi further fails to disclose, teach or suggest providing, from the client device of the user to the content viewing device of the user, prior to implementing the system state change representing a user-initiated content viewing selection change, a perceptible indicator of a content recommendation on the content viewing device of the user prompting the user with a selection for deciding whether to view the content recommendation. Rather, Jasinschi does not suggest providing a recommendation at all. Still further, Jasinschi does not mention detecting when the user initiates a content viewing selection change and thus does not provide, prior to implementing the system state change representing a user-initiated content viewing selection change, a perceptible indicator of a content recommendation on the content viewing device of the user to prompt the user to decide whether to view the content recommendation.

For the same reasons regarding the failure to mention detecting a system state change representing a user-initiated content viewing selection change, Jasinschi fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change representing a user-initiated content viewing selection change when the user selects to view the content recommendation and implementing the system state change representing a user-initiated content viewing selection change when the user selects to not view the content recommendation.

Thus, Schaffer and Jasinschi, alone or in combination, fail to disclose, teach or suggest the embodiments set forth in independent claims 21 and 30, as amended.

Danker fails to remedy the deficiencies of Schaffer and Jasinschi. Danker merely discloses a system that identifies the channel on which a content program is displayed and displays a prompt asking the user whether the user want to watch a video-on-demand related to the channel being viewed. The only triggering event necessary to provide a particular user interface is after a user changes to a particular channel.

Thus, teaches away from implementing a perceptible indicator of a content recommendation on the content viewing device of the user prior to implementing the system state change representing a user-initiated content viewing selection change. According to Danker, any recommendation happens only after a user has changed a channel.

Accordingly, it is impossible for Danker to switch to the content recommendation without implementing the system state change representing a user-initiated content viewing selection change because the user has to make a channel change.

12

In addition, Danker fails to disclose, teach or suggest monitoring, by a client device of a user, content viewed on a content viewing device by a user, generating a profile, at the client device of the user, based on content viewed on the content viewing device by the user, processing, at the client device of the user, incoming content to the content viewing device to identify content available for recommendation, comparing, at the client device of the user, the available content to the profile generated based on the content viewed on the content viewing device by the user, rating, at the client device of the user, available content based on the comparison of the available content to the profile generated based on the content viewed on the content viewing device by the user, determining, by a content recommendation engine at the client device of the user, a content recommendation based on the rating of the available content. Rather, Danker merely provides a recommendation for a video-on-demand program that is related to the content being viewed by the user.

In addition, Danker fails to disclose, teach or suggest detecting when a system state change representing a user-initiated content viewing selection change is imminent. Danker detects that a user-initiated content viewing selection change has already occurred.

Thus, Schaffer, Jasinschi and Danker, alone or in combination, fail to disclose, teach or suggest the embodiments set forth in independent claims 21 and 30, as amended.

Alexander fails to remedy the deficiencies of Schaffer, Jasinschi and Danker. Alexander merely discloses distinguishing one viewer that is using a viewing device from another.

However, Alexander fails to disclose, teach or suggest monitoring, by a client device of a user, content viewed on a content viewing device by a user, generating a profile, at the client device of the user, based on content viewed on the content viewing

13

device by the user, processing, at the client device of the user, incoming content to the content viewing device to identify content available for recommendation, comparing, at the client device of the user, the available content to the profile generated based on the content viewed on the content viewing device by the user, rating, at the client device of the user, available content based on the comparison of the available content to the profile generated based on the content viewed on the content viewing device by the user, determining, by a content recommendation engine at the client device of the user, a content recommendation based on the rating of the available content.

In addition, Alexander fails to disclose, teach or suggest detecting when a system state change representing a user-initiated content viewing selection change is imminent. Alexander does not even mention detecting when the user initiates a content viewing selection change.

Alexander further fails to disclose, teach or suggest providing, from the client device of the user to the content viewing device of the user, prior to implementing the system state change representing a user-initiated content viewing selection change, a perceptible indicator of a content recommendation on the content viewing device of the user prompting the user with a selection for deciding whether to view the content recommendation.

For the same reasons regarding the failure to mention detecting a system state change representing a user-initiated content viewing selection change, Alexander fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change representing a user-initiated content viewing selection change when the user selects to view the content recommendation and implementing the system

14

state change representing a user-initiated content viewing selection change when the user selects to not view the content recommendation.

Thus, Schaffer, Jasinschi, Danker and Alexander, alone or in combination, fail to disclose, teach or suggest the embodiments set forth in independent claims 21 and 30, as amended.

Dependent claims 22-23, 26-29, 32-35 and 37 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 21 and 30, respectively. Further dependent claims 22-23, 26-29, 32-35 and 37 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 22-23, 26-29, 32-35 and 37 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies,

to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any

additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903
(865) 380-5976

94140
PATENT TRADEMARK OFFICE

By: _____
Name: David W. Lynch
Reg. No.: 36,204